

Dear

ATISN 22013 – Flying Start Centres

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 11 October 2024. You requested the following:

- Please can you provide a list of all active Flying Start centres. To include name of centre, postal address, borough, council, centre contact name, centre email address, number of families registered at each centre.

Our Response

We are able to confirm that Welsh Government holds information that falls into scope of your request and have attached the dataset in Microsoft Excel format - attached.

We have interpreted the reference to 'borough' and 'council' in the request to refer to 'Local Authority', and this is included in the dataset.

This data has been taken from the Care Inspectorate Wales Self-Assessment of Service Statement (SASS) undertaken in January-March 2024. SASS is an annual self-completion survey undertaken by registered childcare and play services. As such, this only includes data about services that have completed SASS 2024. We estimate that 93 per cent of registered childcare and play services completed SASS 2024.

The data includes:

- Service name
- Service type
- Service sub-type
- Service address and postcode
- Service email address
- Maximum capacity of the service

We have included the maximum capacity of each service. This represents the maximum number of individual children that can be cared for in the service at any one time.

We have not provided 'Centre Contact Name' as part of this dataset, and in some instances, we have not provided 'Centre Email Address'. We are applying an Exemption under Section 40 of the Freedom of Information Act. Contact name and email address are considered personal data as defined in the Data Protection Act 2018 (DPA18). Please see annex for further information.

In some instances, registered childcare and play services have given consent for email addresses to be shared, and so in these instances these have been included in the dataset. We are not able to provide data on 'Number of Families Registered at each Centre' as this data is not collected.

Next Steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit
Welsh Government

Cathays Park
Cardiff
CF10 3NQ
or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,

Freedom of Information Act 2000: Section 40(2)

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 1998 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information caught by your request contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information.
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question.
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

Your request includes Centre Contact Names and Contact Email addresses which were caught by your request. I have not identified any legitimate interest that you may have in knowing the identities of those individuals. Also, in some instances, registered childcare and play services have given consent for their email addresses to be shared and these have been included.

2. Is disclosure necessary?

We do not believe disclosure of contact names and address of those withheld would allow any greater understanding of the dataset.

3. The balance between legitimate interests and the data subject’s interests or fundamental rights and freedoms

As we do not believe disclosure of this personal data is necessary, there is no requirement on us to undertake a test to balance the legitimate interests against the right of individuals, as the fundamental rights and freedoms provided by the DPA are not being challenged.